



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,782	11/30/2000	John Kowtko	ORCL5718	2705

7590 12/15/2004

ALAN W. YOUNG
YOUNG LAW FIRM, P.C.
Suite 106
4370 Alpine Road
Portola Valley, CA 94028

EXAMINER

ZHOU, TING

ART UNIT	PAPER NUMBER
----------	--------------

2173

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/728,782

Applicant(s)

KOWTKO ET AL.

Examiner

Ting Zhou

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/25/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed on 25 August 2004 have been received and entered. The applicant has cancelled claims 1-6 and 16-24. Claims 7-15 as amended are pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 7, 9-13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Underwood et al. U.S. Patent 6,697,825.

Referring to claim 7, Underwood et al. teach posting sales materials to an online collaboration tool (a marketing Web site presentation used in business applications; posting business analyses to a web site via the Web Definer) (column 5, lines 11-28 and column 8, lines

Art Unit: 2173

17-58), the online collaboration tool enabling both a sales representative and a potential customer to view, access and control the posted sales materials simultaneously on respective web browsers over a computer network (a plurality of users can view, access and control elements of the website by contributing elements to the creation of the web site, while a potential customer can have access to all informational and purchasing areas of the website, allowing them to view, access and control the sales materials, i.e. place order for various items offered on the site; furthermore, the web site is hosted on a central server system, allowing numerous users connected to the server via a network to access the site) (column 5, line 11 – column 6, line 38 and column 8, lines 11-51), the sales materials including at least one of a presentation, a press release, an analyst review and a customer reference (business analyses) (column 5, lines 23-28); accessing a Web site of the potential customer and retrieving at least one of a graphic, text and configuration information therefrom (import the user's own content, including text and/or graphics that the user has previously created); customizing a look of a generic Web site template with the retrieved at least one of graphic, text and configuration information to create a customized Web site (customizing the user's Web site by importing the text and/or graphics that the user has previously created; also, the Web Definer can generate a template Web site according to the characteristics/preferences, or configuration information of the user and editing the provided template into the user's own unique Web site); and posting the customized Web site to the online collaboration tool and causing the customized Web site to be displayed for the potential customer (column 7, line 14 – column 8, line 67 and column 28, lines 59-67).

Art Unit: 2173

Referring to claim 9, Underwood et al. teach the plurality of Web site templates including a template for an extranet portal, an intranet portal and an applications portal (column 4, lines 41-46, column 5, lines 11-33 and column 38, lines 19-26).

Referring to claim 10, Underwood et al. teach running at least one Web application from the customized Web site, the Web application being configured to extract screen display definitions from database tables within a database and to modify the extracted screen display definitions according to the retrieved at least one graphic, text and configuration information (column 5, lines 34-67, column 7, lines 13-61, column 29, lines 26-38 and column 38, lines 9-18).

Referring to claim 11, Underwood et al. teach inputting the retrieved at least one of graphic, text and configuration information into a control panel, the control panel being configured to apply the retrieved at least one graphic, text and configuration information to the selected generic Web site template, as recited in column 14, lines 19-32. This is further shown in Figure 8, where template information associated with a selected industry category for the Web site are input onto the panel and the selected template information are used to create the Web site.

Referring to claim 12, Underwood et al. teach at least one of graphic, text and configuration information of the customized Web site including a look and feel of the customer's Web site (column 5, lines 36-41 and column 9, lines 46-56).

Referring to claim 13, Underwood et al. teach the look and feel of the customized Web site including at least one of color schemes, fonts, links, animation, navigation bars and texture of the customer's Web site (the customer can choose the look and feel of the Web site by

Art Unit: 2173

choosing different styles, colors, art, etc.) (column 9, lines 46-56 and further shown in Figure 51).

Referring to claim 15, Underwood et al. teach running at least one Web application or demo from the customized Web site, the at least one Web application or demo also being customized by the retrieved at least one graphic, text and configuration information (column 5, lines 34-67, column 7, lines 13-61, column 29, lines 26-38 and column 38, lines 9-18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Underwood et al. U.S. Patent 6,697,825, as applied to the claims above, and further in view of Slik et al. U.S. Patent 5,809,145.

Referring to claim 8, Underwood et al. teach all of the limitations as applied to claim 7 above. Specifically, Underwood et al. teach accessing a Web site of the potential customer and retrieving at least one of a graphic, text and configuration information therefrom (import the user's own content, including text and/or graphics that the user has previously created) and posting the customized Web site to the online collaboration tool and causing the customized Web

Art Unit: 2173

site to be displayed for the potential customer (Underwood et al.: column 8, lines 18-67 and column 28, lines 59-67). However, Underwood et al. fail to teach carrying out a telephone conference with a potential customer. Slik et al. teach a method of distributing information to customers over a WWW server at a Web site, similar to that of Underwood et al. In addition, Slik et al. further teach carrying out a telephone conference with the potential customer (Slik et al.: column 14, lines 7-10 and column 21, lines 28-31). It would have been obvious to one of ordinary skill in the art, having the teachings of Underwood et al. and Slik et al. before him at the time the invention was made, to modify the Web site customization method taught by Underwood et al. to include the telephone conference capabilities of Slik et al., in order to obtain a method where a telephone conference can be carried out with a potential customer, thereby allowing the accessing and posting of the Web site to be carried out during the telephone conference. It would have been advantageous for one to utilize such a combination in order to accommodate and facilitate business collaboration with customers without Internet access or people with visual impairments.

Referring to claim 14, Underwood et al. teach all of the limitations as applied to the claims above. Specifically, Underwood et al. teach the potential customer and the sales rep accessing the Web site in a predetermined order (the designer, or sales rep access the Web site by integrating suggested content, styles, etc. into a marketing Web site and the customer subsequently accesses the Web site by choosing from the suggested content, styles, etc.) (Underwood et al.: column 9, lines 46-57). However, Underwood et al. fail to teach a telephone conference between the potential customer and the sales rep. Slik et al. teach a method of distributing information to customers over a WWW server at a Web site, similar to that of

Art Unit: 2173

Underwood et al. In addition, Slik et al. further teach carrying out a telephone conference with the potential customer (Slik et al.: column 14, lines 7-10 and column 21, lines 28-31). It would have been obvious to one of ordinary skill in the art, having the teachings of Underwood et al. and Slik et al. before him at the time the invention was made, to modify the Web site customization method taught by Underwood et al. to include the telephone conference capabilities of Slik et al., in order to obtain a method where the customized Web site can be viewed by both the potential customer and the sales rep in a predetermined order decided during a telephone conference. It would have been advantageous for one to utilize such a combination in order to accommodate and facilitate business collaboration with customers without Internet access or people with visual impairments.

Response to Arguments

4. Applicant's arguments filed on 25 August 2004 have been fully considered but they are not persuasive.

5. As a first note, the applicant asserts that Underwood does not teach or suggest any method of selling software. In response to applicant's arguments, the recitation "a method of selling software online" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural

Art Unit: 2173

limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

6. The applicant also asserts that Underwood does not teach or suggest posting sales materials to an online collaboration tool. The examiner respectfully disagrees. Underwood et al. teach a Web Definer tool for creating and managing a marketing, or business application web site by collecting and organizing elements of the web site, as recited in column 5, lines 11-23, column 6, lines 50-56 and column 8, lines 52-58. Furthermore, Underwood et al. teach, in column 5, lines 23-28, the elements of the business application web site posted to the collaboration tool includes business analyses, which is one type of sales material defined by the limitation of claim 7, i.e. “the sales materials including at least one of a presentation, a press release, an analyst review and a customer reference”, on lines 6-7. This is further shown in Figure 14, where categories of the web site includes “The shop” and “Prices” and Figure 35, where the web site displays posted product details and sale prices. Therefore, the examiner contends that Underwood et al. teaches posting sales materials, such as products, sale prices and business analyses to the Web Definer tool for creating web sites.

7. The applicant also asserts that Underwood does not teach or suggest that his Web Definer has the capability of enabling persons to simultaneously view, access and control posted materials on respective web browsers over a computer network. The examiner respectfully disagrees. As can be seen from Figure 1, a plurality of client terminals connected to the Internet can access information from the server. As an example, web site creator, i.e. sales

Art Unit: 2173

representatives can view, access and control the various information on the web site by posting business analyses, graphics, page layouts, etc. and choose the look and feel of the content information via the Web Definer, as recited in column 5, line 11 – column 6, line 3; potential customers can view and access information on the products and businesses offered throughout the web site and control the information by placing orders to purchase various items offered by the web site, as recited in column 8, lines 17-58. The web sites are hosted by a central server system and at any time, can be viewed, accessed and controlled by a plurality of client terminals connected to the network via the Internet, as recited in column 6, lines 4-38 and shown in Figure 1. Therefore, the examiner contends that the Web Definer taught by Underwood et al. has the capability of enabling persons to simultaneously view, access and a control posted materials on respective web browsers over a computer network.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2173

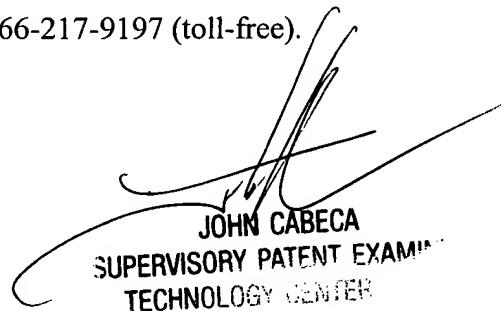
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 8:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-4058.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

2 December 2004


JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER